

**Table 3-5**  
**RFGOS in lieu of GCM—Continued**

Step	Work center	Required action
4	C&S	<p>An RFGOS submitted by an officer after court-martial charges are preferred will be expeditiously forwarded by the commander exercising GCM jurisdiction direct to CDR, PERSCOM (TAPC-PDT-PM), as outlined in paragraph 3-4. In addition to the information required by paragraph 3-4 and figure 3-4, the data as listed in <i>a</i> through <i>f</i> below will accompany the RFGOS (all such data submitted must be legible). Court-martial proceedings may be continued until action by the convening authority on the findings and sentence of the court. A convening authority will not take action in a case until the Secretary of the Army or his or her delegate acts on the RFGOS. In the event trial is held prior to the time notification is received, the convening authority will transmit to CDR, PERSCOM (TAPC-PDT-PM), by electrical message the result of trial including any sentence. Also included will be the following:</p> <ul style="list-style-type: none"> <li><i>a.</i> Copy of court-martial charges.</li> <li><i>b.</i> Copy of all reports of investigations, to include Article 32 investigation (if conducted).</li> <li><i>c.</i> Any documentary evidence that supports acceptance of the resignation.</li> <li><i>d.</i> Statement signed by Staff Judge Advocate (or legal officer) in cases referred for trial as required by Manual for Courts-Martial.</li> <li><i>e.</i> Psychiatric evaluation when grounds exist indicating the officer is (or was at the time of misconduct) mentally incompetent.</li> <li><i>f.</i> Explanation of abnormal delay between date of offense, completion date of investigation and submission of resignation (if applicable). Forward the packet to CDR, PERSCOM (TAPC-PDT-PM). An information copy of the packet will be forwarded to interested higher headquarters in the chain of command.</li> </ul>
5	C&S	<p>When the RFGOS while under suspended sentence to dismissal is submitted, the commander exercising GCM jurisdiction includes in the packet a copy of the court-martial order. When a copy of the court-martial order is not available or if further misconduct is involved, include a summary of the facts in the forwarding endorsement. Forward the packet to CDR, PERSCOM (TAPC-PDT-PM). An information copy of the packet will be forwarded to interested higher headquarters in the chain of command.</p>
6	PPAA (TP/TA)	<p>Upon receipt of separation instructions, separates the officer not later than 14 calendar days after receipt of notification (when officer is stationed in CONUS), or not later than 5 duty days after the officer arrives at the CONUS TP/TA. Forwards the officer's fingerprints to the Federal Bureau of Investigation (FBI) according to AR 190-47. Final orders and forms will cite regulatory authority and SPD as shown in AR 635-5-1.</p>

## Section VII

### Task: Process RFGOS Due to Homosexual Conduct

#### 3-15. Rules for processing RFGOS due to homosexual conduct

*a.* An officer may elect to tender a resignation due to homosexual conduct prior to GCM charges being preferred against him or her under the UCMJ and prior to being recommended for elimination under chapter 4. The officer cannot submit unqualified resignation.

*b.* If an officer elects or requests separation after being recommended for elimination, chapter 4 or 6 (as applicable) applies.

*c.* An officer is not precluded or suspended from disciplinary proceedings by submitting an RFGOS. The GOSCA decides if disciplinary proceedings are suspended, pending final action on the resignation.

*d.* The commander will ensure there is no coercion involved with an RFGOS. The officer concerned will be—

(1) Provided with legally qualified counsel who may be a member of The Judge Advocate General's Corps or with civilian counsel retained by the officer at his or her own expense.

(2) Allowed a reasonable period of time to make a personal decision when the officer is considering requesting an RFGOS.

*e.* An officer separated under this section normally receives an Under Other Than Honorable Conditions discharge and no discharge certificate is issued.

*f.* When PERSCOM separates an officer with an Honorable or General discharge, the appropriate discharge certificate will be issued.

*g.* The RFGOS along with the officer's OMPF and ORB will be forwarded without recommendation by PERSCOM (TAPC-PDT-PM) to the office of the ASA M&RA (SAMR-RB).

*h.* When the RFGOS is not accepted, PERSCOM (TAPC-PDT-PM) will return the case to the GOSCA and provide a copy to the officer's appropriate career management division.

*i.* Separation instructions will be issued and forwarded to PERSCOM (TAPC-PDT-PM) to the appropriate PSC/MPD on approved cases.

*j.* An officer whose RFGOS (regardless of the character of service received) is accepted, shall be barred from rights

under laws administered by the Veterans Administration based on the period of service from which separated. Exceptions are War Risk, United States Government (converted), National Service Insurance, or Servicemen's Group Life Insurance (38 USC 3103). Additionally, separation pay is not authorized.

### 3-16. Steps for processing RFGOS due to homosexual conduct

The steps required for processing RFGOS due to homosexual conduct are as shown in table 3-6.

**Table 3-6**  
**RFGOS due to homosexual conduct**

Step	Work center	Required action
1	SLDR	Submits RFGOS (fig 3-4).
2	PPAA BN S-1	<ul style="list-style-type: none"> <li>a. Processes RFGOS and forwards through the same channels as court-martial actions to the commander exercising GCM jurisdiction.</li> <li>b. Determines whether medical board or PEB proceedings are pending or appropriate per paragraph 1-22.</li> </ul>
3	C&S	<p>The commander exercising GCM jurisdiction includes recommendation of approval or disapproval and recommended characterization of service and type of discharge. Recommendations not to accept the RFGOS will include justification. Forwards the packet to CDR, PERSCOM (TAPC-PDT-PM). An information copy of the correspondence will be forwarded to interested higher headquarters (for example, MACOM) in the chain of command. Include the following in the forwarding endorsement:</p> <ul style="list-style-type: none"> <li>a. Memorandum Report of investigation.</li> <li>b. Officer's date and place of birth.</li> <li>c. Officer's amount of active service, to include date and current period of service.</li> <li>d. Statements of witnesses (UCMJ, Art 31).</li> <li>e. Medical evaluation reports.</li> <li>f. Officer's statement (if applicable).</li> </ul>
4	PPAA (TP/TA)	<p>Upon receipt of separation instructions, separates the officer no later than 14 calendar days after receipt of notification (when officer is stationed in CONUS) or returns the officer to CONUS within 21 calendar days and separates no later than 5 duty days after the officer arrives at the CONUS TP/TA (when officer is stationed OCONUS). Forwards officer's fingerprints to the FBI according to AR 190-47. Final orders and forms will cite regulatory authority and SPD as shown in AR 635-5-1.</p>